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682 His employer, however, had such a friendly intercourse with them, as to gain timely notice of any thing that might affect his person or interest; but he was so far from assisting the unfortunate brave man, as the laws of humanity and common honour obliged him, that as a confederate, he not only concealed their bloody intentions, but went basely to the next town, while the savages painted themselves red and black, and gave them an opportunity of perpetrating the horrid murder. The poor victim could have easily escaped to the English settlements if forewarned, and got the affair accommodated by the mediation of the government. In acts of blood, if the supposed murderer escapes, his nearest kinsman either real or adopted, or if he has none there, his friend stands according to their rigorous law, answerable for the fact. . . .

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682 "There never was any set of people, who pursued the Mosaic law of *retaliation* with such a fixt eagerness as these Americans. They are so determined in this point, that formerly a little boy shooting birds in the high and thick corn-fields, unfortunately chanced slightly to wound another with his childish arrow; the young vindictive fox, was excited by custom to watch his ways with the utmost earnestness, till the wound was returned in as equal a manner as could be expected. Then, 'all was straight,' according to their phrase. Their hearts were at rest, by having executed that strong law of nature, and they sported together as before. This observation though small in itself, is great in its combined circumstances, as it is contrary to the usage of the old heathen world. They forgive all crimes at the annual atonement of sins, except murder, which is always punished with death. The Indians constantly upbraid us in their bacchanals, for inattention to this maxim of theirs; they say, that all nations of people who are not utterly sunk in cowardice, take revenge of blood before they can have rest, cost what it will. The Indian Americans are more eager to revenge blood, than any other people on the whole face of the earth. . . .

"I have known the Indians to go a thousand miles, for the purpose of revenge, in pathless woods; over hills and mountains; through large cane swamps, full of grape-vines and briars; over broad lakes, rapid rivers, and deep creeks; and all the way endangered by poisonous snakes, if not with the rambling and lurking enemy, while at the same time they were exposed to the extremities of heat and cold, the vicissitude of the seasons; to hunger and thirst, both by chance, and their religious scanty method of living when at war, to fatigue, and other difficulties. Such is their overboiling revengeful temper, that they utterly condemn all those things as imaginary trifles, if they are so happy as to get the scalp of the murderer, or enemy, to satisfy the supposed craving ghosts of their deceased relations. Though they imagine the report of guns will send off the ghosts of

their kindred that died at home, to their quiet place, yet they firmly believe, that the spirits of those who are killed by the enemy, without equal revenge of blood, find no rest, and at night haunt the houses of the tribe to which they belonged: but, when that kindred duty of retaliation is justly executed, they immediately get ease and power to fly away: This opinion, and their method of burying and mourning for the dead, of which we shall speak presently, occasion them to retaliate in so earnest and fierce a manner. . . . When any casual thing draws them into a war, it grows every year more spiteful till it advances to a bitter enmity, so as to excite them to an implacable hatred to one another's very national names. Then they must go abroad to spill the enemy's blood, and to revenge crying blood. We must also consider, it is by scalps they get all their war-titles, which distinguish them among the brave: and these they hold in as high esteem, as the most ambitious Roman general ever did a great triumph. ²¹

Says Stiggins:

"When one of another clan if even by chance should kill one of their blood relations on the mother's side of the family, their customary law in this is similar to the law of the Jewish legislator in reference to the manslayer excepting the city of refuge, for their law is literally whoso sheddeth man's blood by man his blood must be shed. Time nor distance can not palliate their revenge for should the perpetrator make his escape one of his brothers or cousins on his mother's side is taken. One of his blood kindred or himself must atone for the one lost, male for male and female for female. Even accidents are frequently made a matter of atonement, as far for instance as to be on business for another person and be killed by their horse the employer or one of the brothers or cousins must atone with his life for the death; for this reason they say that had it not been for him and his business the death would not have happened." ²²

To illustrate this point Stiggins describes at length an event which occurred in the year 1808 when a Creek named the Singer, described as head chief of the Creek Nation, was on an expedition to the west of the Mississippi River, accompanied by his brothers. They were frightened back to the east side by enemies, and while there one of the Singer's brothers killed another Indian belonging to Kasihta, whom he mistook for an enemy. The comrades of the man who had been slain came to the Singer's camp and found the Singer alone, his brothers having set out to visit the Kasihta and explain to them the accidental nature of what had happened. This the Singer himself then proceeded to do, and at first the explanation was accepted as satisfactory. On their way home, however, the Kasihta Indians

²¹ Adair, *Hist. Am. Inds.*, pp. 149-151.

²² Stiggins, *Ma. Hist. Narr.*, p. 29; cf. also Gallatin in *Trans. Am. Antiq. Soc.*, vol. 2, p. 111.

585 prospective groom at least would now be a person of influence, able to make his wishes felt.

Swan is, as usual, the devil's advocate for the Creeks. He says that "marriage is considered only as a temporary convenience, not binding on the parties more than one year. . . .

"The married women are termed bound wenches—the single girls, free wenches. The least freedom with a bound wench is considered criminal, and invariably punished by the cropping law.

595 "A plurality of wives is allowed of—a mother and her two daughters are often kept by one man, at the same time; but this is most frequently by white traders, who are better able to support them. A large portion of the old and middle-aged men, by frequently changing, have had many different wives, and their children, scattered around the country, are unknown to them.

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836 "Few women have more than two children by the same father; hence they have found the necessity of conferring the honors of chiefs and micos on the issue of the female line, for it would be impossible to trace the right by the male issue."¹⁴

Although there was no doubt an element of truth in this picture it is evident that Swan has magnified it very much, owing to his failure to understand the clan system and the collective terms in accordance with which people may be fathers, mother, sons, and daughters to each other in name but not in fact. The reason he gives for matrilineal descent is also offered by Bossu.¹⁵ It is an old *ex post facto* explanation furnished sometimes by the Indians themselves and sometimes by their white chroniclers. It has no relation whatever to the sexual looseness of the people.

583 It will be observed that a tendency crops out here, which I also observed during my work upon the north Pacific coast, to the development of an official marriage and an unofficial yet tolerated union, and in both cases they may be traced to the same cause. The official marriage in the case of young people is made for, not by, them. It represents the kind of union which agrees with tribal convention and ought to be best for the prosperity of the clans concerned, for the tribe, and for the couple so married. The parties thus mated are of the proper clans, the proper standing in the tribe, the proper age, and their virtues are such as to constitute a fair exchange. From all *a priori* considerations they are the mates for each other. Nevertheless, the serious blows which our conventions receive are signs that they are only conventions after all, and the same thing was true in primitive society. Thus it often happened that a couple which ought to agree did not, and in such cases it was frequently found necessary to undo what had been done. There can be no doubt that the frequency of divorce among many primitive peoples is

¹⁴ Swan in Schoolcraft, *Ind. Tribes*, vol. v, p. 273

¹⁵ Bossu, *Nouv. Voy.*, vol. II, p. 21.

"The women perform all the labor, both in the house and field, and are, in fact, but slaves to the men, being subject to their commands without any will of their own, except in the management of the children. They are universally called wenches; and the only distinction between them and the negro women is, that they have Indian children; and when a man would have you understand that he is speaking of his wife, he designates her as his son's mother, etc. Yet in this unhappy, servile state, the women are remarkable for their care and attention to the men, constantly watching over them in their desperate drunkenness and quarrels, with their utmost solicitude and anxiety. . . ."⁴¹

"A stranger going into the country must feel distressed, when he sees naked women bringing in huge burdens of wood on their backs, or bent under the scorching sun, at hard labor in the field; while the indolent, robust young men are riding about, or stretched at ease on some scaffold, amusing themselves with a pipe, or a whistle."⁴²

In another place we read:

"The men, in general, are of a good size, stout, athletic and handsome: the women are of good height, but coarse, thick-necked and ugly. Being condemned, by the custom of the country, to carry burdens, pound corn, and perform all the hard labor, they are universally masculine in appearance, without one soft blandishment to render them desirable or lovely. Both sexes have a phlegmatic coldness and indifference, uncommon and unknown to most white people."⁴³

This last statement Swan confirms by citing the apparent indifference exhibited by a husband and wife when they met after a long separation.

I may add that in 1911-12 I was several times told that Creek Indians would let their wives walk home from town carrying heavy loads, while they hung about for some time and finally hired a liveryman to take them, perhaps passing their wives on the way.

Nevertheless, the condemnation of the Indians by Pope, Swan, and others is as unintelligent as the praises bestowed by Bartram. A people or a person can be judged properly only by observing the conformity or lack of conformity which their actions bear to the ethical and social standards among them, not by the measure of ethical or social standards among other people. And secondly, the presence or absence and in general the intensity of emotions can not be assumed because their expression is less or different from that to which the critic is himself accustomed. I have already called attention to Swan's misconception regarding marriage relations owing to the difference between the significance of Indian and white terms

⁴¹ Swan in Scholten, *Ind. Tribes*, vol. 7, p. 272.

⁴² *Ibid.*, p. 272.

⁴³ *Ibid.*, p. 274.

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[593] of relationship.⁴⁴ In the quotation given above he³ makes another blunder when he assumes that from the apparent indifference exhibited by an Indian couple when they meet after a long separation a constitutional "phlegmatic coldness and indifference" may be inferred. The self-restraint and seeming unconcern exhibited was simply a native custom from which nothing at all regarding the real feelings could be deduced. It may be added that the hard life of Indian women to which he refers was not usually considered hard by them but as the customary and essential, and it was in large measure but their share of a life which was harder all around than the lives of many civilized human beings. It was certainly not as hard as the lives of many of our sweatshop and mill operatives, and there is this to be said for it besides that it did not exist side by side with and thereby shame a theoretically lofty moral standard. On the other hand the "care and attention" which Creek women bestowed upon their men must be read in connection with the drastic regulations to which a widow was subjected.⁴⁵ Collective virtues and vices are so closely bound up with economic conditions that it would be easy to show how both as they exist among Indians show to advantage or suffer in comparison with virtues and vices among ourselves. It is probably true also that white contact by putting an end to intertribal warfare and to hunting, the chief occupations of the men in olden times, has shown up the division of labor between men and women with some disadvantage to the men, because the old traditions regarding division of labor have persisted into a period when a new arrangement is rendered necessary. This is not said with the idea of justifying Indian or European customs. Some of these were doubtless due to economic conditions which were indeed their sufficient excuse at one time. Many, too, may be perversions of customs which once had some reason for their existence though the perversions themselves have not and never had any such basis. In these cases history may furnish a palliation and an excuse but it can not give a justification, and the sooner such custom is abolished the better.

[177] It is not just then to condemn the Creeks on account of some of their customs or to praise them overmuch on account of others. But, abstracting the customs themselves from the people, we may say that those of the Creeks were upon the whole on a distinctly higher level than the customs of most of the hunting tribes of American Indians and indeed than those of most of the agricultural tribes about them.

BURIAL

764 In the accounts of burial customs, as well as in those of marriages, there are considerable differences, and here again it is evident that

⁴⁴ See p. 279.⁴⁵ See pp. 282-284.

‡[i.e., Swan.--Analyst]